

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

DEON D. SMALLEY,

Petitioner,

v.

WILLIAM GITTERE, et al.,


Respondents.

Case No. 3:21-cv-00331-RCJ-CLB

ORDER

Deon D. Smalley has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). He has not, however, either paid the \$5.00 filing fee or submitted a completed application to proceed *in forma pauperis* with the required inmate account statements for the past sixth months and financial certificate. 28 U.S.C. § 1915(a)(2); Local Rule LSR1-2.

This action therefore is subject to dismissal without prejudice as improperly commenced. However, it is unclear from the papers presented whether a dismissal without prejudice will materially affect a later analysis of any timeliness issue with respect to a new action.

  
ROBERT C. JONES  
UNITED STATES DISTRICT JUDGE